



VICTIM/WITNESS ASSISTANCE SECTION

FC No.: 1107

Date: 05-30-06

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

Contents:

- I. Policy
- II. Victim/Witness Assistance **Section**
- III. Training for Department Personnel
- IV. Department Personnel Responsibilities
- V. Proponent Unit
- VI. Cancellation

I. Policy

- A. The department is committed to the fair, compassionate, and sensitive treatment of victims and witnesses of crime. This can be accomplished ***through the department's Victim/Witness Assistance Section (VWAS)*** by providing the highest quality of law enforcement while working in partnership with the community. This partnership will help to assure that victims/witnesses are afforded reasonable protection and timely information to assist them with recovering from the effects of crime.
- B. The department recognizes that every victim needs and expects follow-up contact to ***recover from the effects of crime***. The ***police officer's role as a first responder*** in this cycle of events is critical to the beginning of this process. The department cannot meet every need, but does have a responsibility to increase victims'/***witnesses'*** awareness and assist them in navigating ***the criminal justice system***. (CALEA 55.1.1)

II. Victim/Witness Assistance Section

- A. **Authority and Responsibility**
The authority and responsibility for ***the*** administration and coordination of ***the department's role*** in a structured victim/witness assistance ***program***, rests with

the director of the ***Major Crimes Division***. Patrol and investigative responsibilities in providing victim/witness assistance are directed by the chiefs of those respective bureaus. (CALEA 55.1.3.a)

- B. **Contacting Victim/Witness Assistants**
Victim/witness assistants can be reached at their respective district station during regular office hours. After hours and on weekends, a message can be left for the district victim/witness assistant who will make contact during regular business hours. (CALEA 55.2.1.a)

C. **Outreach and Referral**

- 1. The department conducts an outreach program providing support, information, and referral ***for*** crime victims/witnesses. Outreach will be attempted to all crime victims/witnesses in their service area by telephone, letter, ***and/or*** brochure distribution. This program is designed to complement the services already being rendered by first responders and other agencies. (CALEA 55.2.3.a, 55.2.4.a, e)
- 2. The purpose of the outreach is to listen, answer questions, assess the victim's needs, and make the appropriate recommendations ***and/or*** referrals to service providers. Under no circumstances will the victim/witness assistants address issues requiring the knowledge or experience of a sworn officer. (CALEA 55.2.3.a)
- 3. Case outcomes will be monitored by two separate feedback mechanisms:
 - a. Victims will receive a follow-up call as deemed necessary to confirm outcome of recommendations. (CALEA 55.2.4.a)
 - b. A quarterly report on referral follow-through will be exchanged with collaborating agencies.

III. Training for Department Personnel

- A. **Victim/Witness Assistants**
Training will specifically address terms of confidentiality and associated penalties for breach of confidentiality or misuse of privileged

access as the issue relates to all department members. Victim/witness assistants undergo background investigations before acceptance. If accepted, they sign an MCP 573, "Confidentiality Agreement" during their orientation. (CALEA 55.1.3.b)

B. **Patrol Officers and Investigators**
Each district Victim/Witness Assistant will provide training and/or information on new laws to patrol officers and investigators at their assigned stations.

C. **Police Officer Candidates**
*Police officer candidates are instructed in the following areas in recruit training, **by academy instructors**: (CALEA 55.1.3.a)*

1. Rape and sexual offenses
2. Interviewing of witnesses
3. Domestic violence
4. Victim needs
5. Sexual harassment
6. Services provided by the VWAS

D. **Resource Information**
 A library of journal references, books, and videotapes is maintained in the Volunteer and Community Resources Division to support ongoing education on victim/witness issues. (CALEA 55.1.3.a)

IV. Department Personnel Responsibilities

A. **District Commander and Supervisor Responsibilities**

Supervisors of the investigative sections and district commanders will provide the VWAS with all event reports. Trained volunteers will photocopy the event reports and return the reports for normal disposition. In instances where access to the complete report may compromise an on-going investigation, only the first page containing victim/witness information will be provided. The VWAS may also receive referrals directly from the victim, patrol officer, court commissioner, or any other county agency.

B. **VWAS Responsibilities**

1. The VWAS's SOP will address the delivery of victim/witness assistance services by victim/witness assistants in coordination with investigators assigned to follow-up on incidents.

2. Records will be maintained **by the VWAS** on all outreach attempts and referrals stemming from client contacts.
3. The VWAS will report annually to the Chief of Police concerning the victim/witness needs assessment and available resources.
4. Regular contact with service providers will be maintained to promote networking and collaboration on a systematic approach to needs assessment and service delivery. (CALEA 55.1.3.d)

C. **Victim/Witness Assistant Responsibilities**

1. Victim/witness assistants serve as liaisons between victims and the police, facilitating communication and easing demands on sworn officers by handling routine inquiries and requests. (CALEA 55.1.1)
2. Victim/witness assistants will work closely with the central and decentralized investigative sections.
3. Victim/witness assistants will deal with victims/witnesses with sensitivity and respect at all times while observing strict confidentiality.
4. As **directed by the assigned investigator or supervisor**, victim/witness assistants may ask specific questions of the victim/**witness** to ascertain additional facts relevant to the crime which may lead to further investigation or closure of the case. Any feedback or supplemental information derived from the questions will be provided to the assigned investigator or supervisor.

D. **Sworn Officer Responsibilities**

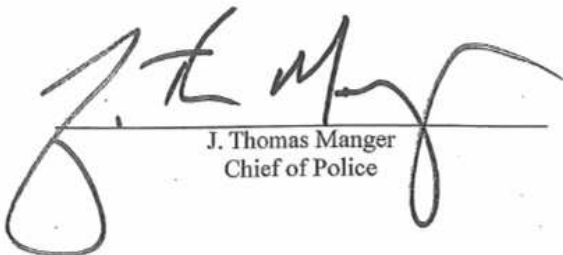
1. It is each officer's responsibility to ensure that, upon first contact, every victim/witness receives a copy of the Maryland "Crime Victims and Witnesses: Your Rights and Services" brochure which is provided by the Governor's Office of Crime Control and Prevention, and a copy of the "Montgomery County Victim/Witness Assistance Information Sheet. The officer will make a note in the initial report narrative that the brochures were given to the victim/witness. This distribution will ensure that all victims/witnesses and potential victims of crime are apprised of basic criminal justice procedures and how to contact a number of standard resources. (CALEA 55.2.3.a)
2. Officers will provide their name, telephone number, and case number to

- victims/witnesses and advise them how to report additional police information, seek a case status report, or obtain a copy of a police report. (CALEA 55.1.3.a, 55.2.3.c, d)
3. Victims/witnesses will be advised to call 911 in an emergency or the police non-emergency number, 301-279-8000, at any time, 24 hours a day, for non-emergency response or referral. (CALEA 55.2.1.b, 55.2.3.d)
 4. Victims/witnesses will be directed to the 24 hour crisis hotline, 240-777-4000, in crisis-related cases, ***prior to clearing the call***. The Crisis Center serves as a clearinghouse for a number of county victim services under the Department of Health and Human Services. (CALEA 55.2.3.a)
 5. Victims/witnesses who have been threatened or fear intimidation will be encouraged to report these incidents to the department. A thorough investigation will be initiated by a police officer/investigator. Victims will be advised of appropriate courses of action, including crime prevention measures and legal avenues of recourse. Protection will be afforded to the extent reasonable and practical, consistent with the threat and department staffing levels. Criminal charges are encouraged utilizing Criminal Law 9-304 (Victim Witness Intimidation). (CALEA 55.2.2, 55.2.3.b)

V. Proponent Unit: *Major Crimes Division*

VII. Cancellation

This directive cancels Function Code 1107, effective date 03-03-00.



J. Thomas Manger
Chief of Police